

UTAH AIR QUALITY BOARD MEETING
August 3, 2005

MINUTES

I. Call to Order.

John Veranth called the meeting to order at 1:35 p.m.

Board members present:

Nan Bunker	Dianne Nielson	Don Sorensen
Jerry Grover	Wayne Samuelson	John Veranth
Jim Horrocks	JoAnn Seghini	Ernest Wessman
Marcelle Shoop - teleconference		

Executive Secretary: Richard Sprott

II. Next Meeting.

September 7, 2005, October 5, and November 2, 2005.

III. Minutes.

Marcelle Shoop requested that approval of the minutes be held until additional points concerning the baseline date and why that date was chosen, as well as clarification if banked emission credits could be utilized in the state offset program could be added.

Rick Sprott suggested that staff work with the presenter, Colleen Delaney, and use the available notes to develop an expanded narrative that accurately reflected the discussion to Marcelle's satisfaction. Staff has emailed Marcelle additional text minutes on August 9, 2005. Since this is Marcelle's last Board meeting, Marcelle will email to John Veranth and Rick Sprott indicating that this accurately reflects her recollection of the conversation. The minutes will be presented to the Board for final adoption at the next Board meeting.

- Ernest Wessman moved that the approval of the minutes be delayed until they can be revised. JoAnn Seghini seconded and the Board approved unanimously.

IV. Propose for Public Comment: R307-214-2, Incorporation by Reference, Various Subparts of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAPS), MACT Standards. Presented by: Tim Andrus.

Mr. Andrus reviewed that EPA had promulgated two hazardous air pollutants standards, also known as MACT standards, since this rule was last updated.

Specifically, the standards for plywood and composite wood products and the standard for industrial, commercial and institutional boilers and process heaters have been issued.

The Division has committed to adopting all applicable MACT standards as they were promulgated. By adopting and receiving delegation for these standards, the State will have primacy for these rules. Staff recommends that these two MACT standards be proposed for incorporation by reference into the rules.

John Veranth pointed out that the citation on page 2 of the memo for #81 did not match the proposed rule [~~(89)~~] (91) on page 6. Upon verification, the proposed rule was correct and staff would confirm the citation before publication. Also, on page 2 of the memo, “(81) Subpart FFFF” should be changed to read “Subpart DDDD.”

- Jerry Grover moved that the publication go out for public comment. Nan Bunker seconded and the Board approved unanimously.

IV. Propose for Public Comment: Amend R307-840, Lead-Based Paint Accreditation, Certification and Work Practice Standards. Presented by: Bob Ford.

Mr. Ford briefly explained the two proposals. The first proposal is an education rule which requires contractors who disturb paint as part of renovation projects that pre-date 1978 structures to inform owner and/or tenants of the possibility that lead-based paint is present. This alerts the owners and tenants of the potential of lead health effects in remodeling activities.

The second provides guidance to certified lead-based paint contractors, firms and accredited lead-based paint training providers on how to notify the division of regulated abatement projects or certification training courses. The purpose of this rule is to clarify the notification process.

On May 26, there was an outreach meeting and staff received no adverse comments for the proposed rules. Staff has also provided a copy to the EPA and the initial review finds that the changes are equally protective to human health and the environment.

- JoAnn Seghini moved that the Board propose for public comment the two proposed additions for R307-840. Wayne Samuelson seconded and the Board approved unanimously.

VI. Ethics Discussion and Disclosure Statement. Presented by: Fred Nelson.

Mr. Nelson, from the Attorney General’s office, reviewed with the Board the State Ethics Act. The Legislature determined that even though Board members were not full-time employees of the state, the State Ethics Act would still apply to them. Many of the Board members represent specific interests and that at times presents issues of conflict of interest. There are general actions where rule making and policy decisions would apply across the state. It has been determined that there would not be a conflict of interest in that instance. If a particular entity or client that a Board member works with brings an item to the Board, the Board member is required to be recused and not participate in the decision. One primary purpose of the Ethics Act is disclosure. For the most part, if the Board member makes the disclosure on the appropriate forms and/or makes a disclosure in the meeting, the Board member can continue to participate in the meeting. There are certain prohibitions under the Ethics Act such as Board members are obligated not to disclose any kind of confidential information that is received. There are prohibitions in

accepting money for taking actions as a Board member. The completed Disclosure Statement should be notarized. It is requested that all members sign a current copy.

In addition, Mr. Veranth asked Mr. Nelson for an update on the Sierra Club's appeals of the Board's recent standing decisions. Mr. Nelson reported to the Board that the Sierra Club had filed petitions to review the decisions of the Board on the standing issue. Those appeals are now pending. The Sierra Club has also filed a motion to stay in the Sevier Power Company matter. The Sierra Club has also asked that the record be supplemented with some of the Division of Air Quality documents. As part of the Court of Appeals process, the Mediation Office selects cases where participants meet to possibly settle the case. This case was selected for mediation last week and after several hours the effort was unsuccessful. Copies of the pleadings on the supplementation of the record will be sent to the Board. The Sierra Club has asked the Court to consider as part of the record a number of documents that were filed with the permit application. They were not documents that the Board reviewed in making its decision. Mr. Nelson filed a response with the Court to advise the Court that the Board's decision was based on certain documents, and the additional documents were not part of the record at this point. If the parties wanted to bring the new documents to the Board and present them, the Board could review the decision. It is rare in the Appeals Court that they will allow supplementing the record, but the Sierra Club has made a request in that regard. As major events happen, Mr. Nelson will provide a memo in the Board packet and keep the Board advised.

VII. Informational Items.

A. Compliance. No questions.

B. HAPS. No Questions.

C. Monitoring. Presented by: Bob Dalley.

Mr. Dalley reviewed the graphs in the packet and noted high-wind and smoky days. There were fourteen days that exceeded the health standard in July. Mr. Dalley also briefed the Board on the Ozone Projections for 2005.

D. Tune Out Smog. Presented by: Rick Sprott.

Mr. Sprott informed the Board about the Choose Clear Air Vehicle Care Workshop would be held on September 10 at the Salt Lake Community Campus, Sandy Campus, and the Miller Automotive Training Center from 9:30-11 a.m. This will help individuals learn about some basics in vehicle maintenance.

Marcelle Shoop expressed her appreciation for being a Board member. She has taken another job and will no longer be able to participate.

Meeting adjourned at 2:05 p.m.